Title   :   Database Table Version Unload

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

      This is a Pre-Appeal Brief Request for Review as provided by the "New Pre-Appeal Brief Conference Pilot Program" outlined in the Official Gazette Dated 12 July 2005. This Request is being filed concurrently with a Notice of Appeal. Reconsideration of pending claims 1-26 and 30 in the above-identified application is respectfully requested based on the following remarks.

      Assignee contends that the Examiner has made a clear error in rejecting claims 1-26 and 30 under 35 U.S.C. 102 as being anticipated by U.S. patent 5,881,378 Hayashi et al. ("Hayashi"). Final Office Action dated 30 Nov 2006 at page 2; Office Action dated 14 June 2006 at page 4.

1.   Claimed Subject Matter

      The claimed invention is directed to a method to extract _data_ from _a database table_, where the _table includes at least two versions of data_ (_e.g._, a current version and a prior version) and where _each of the versions is associated with a different schema_. Reply to Office Action filed on 7 Sep 2006 at pages 2 (independent method claim 1); see also pages 4 (independent program storage device claim 14) and 7 (independent system claim 30).

2.   U.S. Patent 5,881,378 to Hayashi

Applicant has previously shown that Hayashi is directed to a derived database processing system. Reply to Office Action filed on 7 Sep 2006 at pages 9-11, ¶ 2. As defined by Hayashi, a derived database is "a partial collection of components of [multiple] databases." Hayashi at 6:17-19 and Fig. 1 (element 18).[1] The goal of a derived database is to provide access to multiple databases as if they were a single database. Hayashi at 3:59-61, 10:14-16, 10 17-27 (Fig. 7) and 15:55-16:18. In other words, a "derived database" is another term for a "virtual database." Hayashi at 6:59-61.

3.   The Examiner's Rejection

The crux of the Examiner's rejection is based on his interpretation of a particular passage in Hayashi that he alleges shows that "Hayashi suggests extracting data form [sic] a table based on schema version."[2] Final Office Action dated 30 Nov 2006 at page 2, 3rd ¶; Office Action dated 14 June 2006 at page 4 (discussion of claim 1). The specific passage relied upon by the Examiner refers to Figure 9A and reads as follows:[3]

> The logical information manipulating unit 53 outputs a CS identifier and an original name
> if it is an alias when a schema name and a table name is inputted to a derived database
> interpreting unit 14. The logical information manipulating unit 53 extracts logical
> information from table information. If there is a reference restriction defined in an SQL
> schema among tables, the logical structure information in the table(s) is also extracted.
> To update a table associated with the reference restriction, the reference restriction must
> remain unchanged. Hayashi at 13:4-13.

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1   As used herein, the notation A:B-C means column A, lines B to C.

2   As a preliminary matter, a rejection based on 35 U.S.C. 102 does not permit a mere suggestion. "For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 U.S.P.Q.2d (BNA) 1315, 1317 (Fed. Cir. 1988). *See also* M.P.E.P. 2131.

3   The Examiner also relies upon Figures 15A-B (Office Action dated 14 June 2006 at page 4, last ¶) and 11A (Final Office Action dated 30 Nov 2006 at page 3, 3rd ¶). Neither of these figures support the Examiner's reasons for at least the same reasons as discussed herein.

This passage says absolutely nothing about versions. The phrase "logical information" refers to metadata used to map a logical name or identifier to a corresponding name or identifier in a physical table. Hayashi at 13:14-17. This distinction is made clear when Hayashi, in a subsequent paragraph, discusses the "storage information manipulating unit 54." Hayashi at 13:19-23. This unit manipulates the schema information of the underlying physical database tables. Thus, the logical information manipulating unit extracts metadata that defines the mapping between the name a user associates with a logical or virtual database (a "derived database" in the parlance of Hayashi) and a physical database table. Again, there is absolutely no discussion or even hint about table versions or of extracting data from a table based on the table's version – an aspect explicitly recited in the claimed invention.

With respect to the "reference restriction" cited by the Examiner, one of ordinary skill in the art would understand that a "reference restriction" refers to referential integrity constraints defined within physical data stores or tables (*e.g.*, required relationships between primary and foreign keys in different tables). This passage simply says that if there are referential constraints associated with the physical tables that comprise a derived database, the derived database will behave so as to maintain these constraints. Yet again, there is absolutely no discussion here about table versions or of extracting data from a table based on the table's version.

4.   Further Comments on Hayashi

Hayashi does permit more than one logical mapping to exist between underlying physical data stores. Hayashi at 16:53-62. As previously noted, however, Hayashi teaches this is for verifying the consistency between first and second versions of a logical mapping and not for extracting data (as opposed to schema) based on the version. Reply to Office Action filed on 7 Sep 2006 at page 10. This point is made crystal clear when Hayashi explicitly states that "access selecting unit 77 cannot be used by an application program which <u>simultaneously accesses to the definition information comprising both new and old version definition information</u>." Hayashi at 18:63-19:3. Thus, while Hayashi teaches that different versions of a logical mapping

may exist, an applicant cannot have access to both. This teaching is counter to that claimed. Thus, Hayashi actually teaches away from the claimed invention.

5. Summary of Discussion Regarding the Cited Prior Art

As noted herein and in Applicant's prior Reply (filed 7 Sep 2006 at pages 9-11, numbered section '2'), Hayashi does not teach, describe or fairly suggest at least the claimed act of "extracting data from the database table based on the table schema associated with the prior version." Reply to Office Action filed on 7 Sep 2006 at page 2 (independent method claim 1); see also pages 4 (independent program storage device claim 14) and 7 (independent system claim 30). For at least the same reasons, claims 2-13 and 15-26 are patentable over Hayashi as they depend from one of independent claims 1 and 14. In addition, the Examiner's rejection of claims 12, 13, 25 and 26 under 35 U.S.C. 103 are moot in so far as the subject matter of these claims depend from one of independent claims 1 and 14 – both of which are patentable over the cited prior art.

6. Comment's Regarding the Examiner's Response

The Examiner alleges "that Applicant's arguments do not comply with 37 C.F.R. 1.111(c) because they do not clearly point out the patentable novelty which ... the claims present in view of ... the references cited or the objections made. Further, they do not clearly show how the claimed limitation avoids such references." Final Office Action dated 30 Nov 2006 at page 3, 1st ¶.

Applicant strongly disagrees with the Examiner's characterization. Applicant took great care to distinguish the claimed subject matter from Hayashi. Reply to Office Action filed on 7 Sep 2006 at pages 10-11, ¶ 2. Pointing out more than once that Hayashi does not teach at least the claimed act of "extracting data from the database table based on the table schema associated with the prior version." Thus, Applicant has complied fully with 37 C.F.R. 1.111(c).

7.   Conclusion

The Examiner has adopted an interpretation of Hayashi that is unambiguously in opposition to the clear teaching of Hayashi. Thus, the Examiner's reliance on Hayashi is unsupportable. Accordingly, the Examiner has failed to make a legitimate rejection under 35 U.S.C. 102. Accordingly, Applicant respectfully requests the Panel reverse the Examiner's rejection and permit claims 1-26 and 30 to issue.

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